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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

TWITTER, INC.,

Plaintiff,

v.

WILLIAM P. BARR, Attorney
General of the United States, *et al.*,

Defendants.

Case No. 14-cv-4480-YGR

**DEFENDANTS' UNOPPOSED
ADMINISTRATIVE MOTION FOR
AN EXTENSION OF TIME TO
FILE THEIR OPPOSITION TO
PLAINTIFF'S MOTION
CHALLENGING PRIVILEGE
DESIGNATIONS**

Hon. Yvonne Gonzalez Rogers

Pursuant to Local Rules 6-3 and 7-11, Defendants hereby move for a four-day extension of time, from Monday February 25 to Friday, March 1, 2019, to file their opposition to Plaintiffs' Motion Challenging Defendants' Privilege Designations, ECF No. 258. The grounds for this short extension are as follows.

1 At the time that the parties were negotiating their proposed schedule to brief this motion,
2 Defendants advised Plaintiffs' counsel that in light of the backlog of work that had accumulated
3 during the government shutdown, a February 25, 2019 deadline already would be very difficult
4 to meet given the amount of work and level of coordination needed to complete a response.
5 Since that time, additional factors have set back Defendant's ability to meet that deadline.

6 First, the Government's ability to complete work on their opposition has been hindered
7 by weather events on two coasts. A large snowstorm in Washington State last week rendered
8 Defendants' key client contact for the FBI, who is based in Seattle, unreachable for several days
9 before a long-planned family trip, and a short extension is needed to complete discussions with
10 that official before the filing date. Another snowstorm in Washington, D.C. on February 20,
11 which resulted in some officials working remotely from home, has also hindered work needed to
12 complete the Government's opposition.

13 Moreover, in opposing Plaintiff's motion the Government expects to assert the
14 deliberative process privilege. As this Court is aware, the deliberative process privilege must be
15 asserted by a senior government official, and consequently requires coordination and review at
16 senior levels of responsible government agencies. *See Landry v. FDIC*, 204 F.3d 1125, 1135
17 (D.C. Cir. 2000). The Government has worked diligently to complete this process, but
18 additional time is needed to coordinate and finalize any deliberative process privilege assertions.

19 For the foregoing reasons, Defendants respectfully request a four-day extension of their
20 deadline to oppose Plaintiffs' Motion, from Monday, February 25 to Friday, March 1, 2019, and
21 a commensurate extension of Plaintiff's reply deadline. Twitter's counsel has indicated to
22 Defendants that they do not object to the Government's request for a 4 day extension, provided
23 that Twitter is given an extension of 4 days for its reply. Both parties jointly request to maintain
24 the current hearing date of April 2, 2019 at 2:00 p.m.

25 Dated: February 25, 2019

Respectfully submitted,

26 JOSEPH H. HUNT
27 Assistant Attorney General

28 DAVID L. ANDERSON

United States Attorney

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Christopher R. Healy

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the facts within the foregoing are true and correct.

Executed this 20th day of September, 2018.

/s/ Christopher R. Healy
CHRISTOPHER R. HEALY

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

[PROPOSED] ORDER

[PROPOSED] ORDER

1 a. Defendants' opposition to Twitter's Privilege Motion shall be due March 1, 2019;

2 b. Twitter's reply in support of its Privilege Motion shall be due March 18, 2019;

3
4 c. The hearing on Twitter's Privilege Motion shall remain set for April 2, 2019, at 2:00
5 p.m.

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7
8 IT IS SO **ORDERED**, this _____ day of _____, 2018.

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10 Dated: _____

11 _____
12 HON. YVONNE GONZALEZ ROGERS
13 UNITED STATES DISTRICT JUDGE
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